

CT Packing Slip



FedEx Tracking #: 780287101529

Created By: Shivam Thaker

Created On: 03/02/2015 06:12 PM

Recipient:

**Bernard J Kelly**

Title:	--
Customer:	Lewis Tree Service, Inc.
Address:	300 Lucius Gordon Dr
Email:	bkelly@lewistree.com
Phone:	585-295-2434
Fax:	585-295-5854

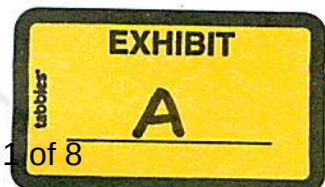
Package Type:

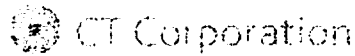
Envelope

Items shipped:

1

Log #	Case #	Entity Name
52665622	15CVS28	Lewis Tree Service, Inc.





**Service of Process  
Transmittal**

03/02/2015

CT Log Number 526665622

**TO:** Bernard J Kelly  
Lewis Tree Service, Inc.  
300 Lucius Gordon Dr  
West Henrietta, NY 14586 9686

**RE: Process Served in North Carolina**

**FOR:** Lewis Tree Service, Inc. (Domestic State: NY)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Dean R. Carrico, P.I.F. vs. Lewis Tree Service, Inc., DIT.

**DOCUMENT(S) SERVED:** Summons, Return, Complaint

**COURT/AGENCY:** Currituck County Superior Court, NC  
Case #: 15CV528

**NATURE OF ACTION:** Personal Injury - Slip/Trip and Fall - 04/10/2012

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Raleigh, NC

**DATE AND HOUR OF SERVICE:** By Certified Mail on 03/02/2015 postmarked on 02/27/2015

**JURISDICTION SERVED :** North Carolina

**APPEARANCE OR ANSWER DUE:** Within 30 days after service

**ATTORNEY(S) / SENDER(S):** Jeffrey L. Miller  
2510 East Tenth Street  
Greenville, NC 27858  
252-364-8929

**ACTION ITEMS:** SOP Papers with Transmittal, via Fed Ex 2 Day , 780287101529  
Image SOP  
Email Notification, Bernard J Kelly bkelly@lewistree.com

**SIGNED:** C T Corporation System

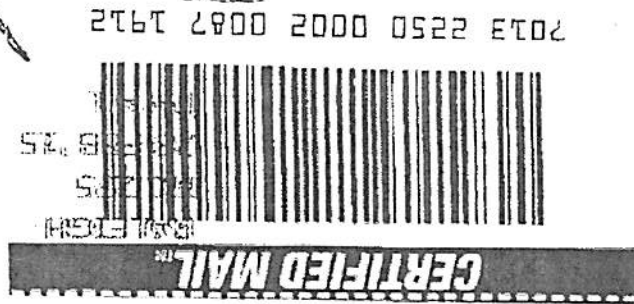
**ADDRESS:** 150 Fayetteville St.  
Box 1011  
Raleigh, NC 27601

**TELEPHONE:** 919-821-7139

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Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

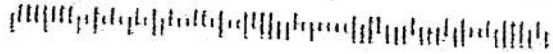
*Miller & Audino*  
ATTORNEYS AT LAW  
2510 East Tenth Street  
Greenville, North Carolina 27858



LHWIS TREE SERVICE, INC.  
C/o Registered Agent - CT Corporation System  
150 Fayetteville Street, Box 1011  
Raleigh, NC 27601

US POSTAGE  
\$ 06.48  
Mailed from 27858  
06/27/2015  
037A 0004184841

27601295760



<b>STATE OF NORTH CAROLINA</b>		File No. <u>15 CVS 28</u>
CURRITUCK County		In The General Court Of Justice <input checked="" type="checkbox"/> District <input checked="" type="checkbox"/> Superior Court Division
Name Of Plaintiff DEAN R. CARRICO Address c/o 2510 East Tenth Street City, State, Zip Greenville, NC 27834	<b>CIVIL SUMMONS</b> <input type="checkbox"/> ALIAS AND PLURIES SUMMONS (ASSESS FEE) G.S. 1A-1, Rules 3, 4	
<b>VERSUS</b>	Name Of Defendant(s) LEWIS TREE SERVICE, INC. Date Original Summons Issued Date(s) Subsequent Summons(es) Issued	
<b>To Each Of The Defendant(s) Named Below:</b>		
Name And Address Of Defendant 1 LEWIS TREE SERVICE, INC. c/o Registered Agent - CT Corporation System 150 Fayetteville Street, Box 1011 Raleigh, NC 27601	Name And Address Of Defendant 2	
<b>A Civil Action Has Been Commenced Against You!</b> You are notified to appear and answer the complaint of the plaintiff as follows: 1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and 2. File the original of the written answer with the Clerk of Superior Court of the county named above. If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.		
Name And Address Of Plaintiff's Attorney (if None, Address Of Plaintiff) Jeffrey L. Miller 2510 East Tenth Street Greenville, NC 27834 252-364-8929	Date Issued <u>1/30/15</u> Time <u>11:23</u> <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM Signature <u>[Signature]</u> <input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	

☐ **ENDORSEMENT (ASSESS FEE)**

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement	Time <input type="checkbox"/> AM <input type="checkbox"/> PM
Signature	
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	

**NOTE TO PARTIES:** Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$15,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

RETURN OF SERVICE	
I certify that this Summons and a copy of the complaint were received and served as follows:	
<b>DEFENDANT 1</b>	
Date Served	Time Served <input type="checkbox"/> AM <input type="checkbox"/> PM
Name Of Defendant	
<input type="checkbox"/> By delivering to the defendant named above a copy of the summons and complaint. <input type="checkbox"/> By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein. <input type="checkbox"/> As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below. Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)	
<input type="checkbox"/> Other manner of service (specify)	
<input type="checkbox"/> Defendant WAS NOT served for the following reason:	
<b>DEFENDANT 2</b>	
Date Served	Time Served <input type="checkbox"/> AM <input type="checkbox"/> PM
Name Of Defendant	
<input type="checkbox"/> By delivering to the defendant named above a copy of the summons and complaint. <input type="checkbox"/> By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein. <input type="checkbox"/> As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below. Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)	
<input type="checkbox"/> Other manner of service (specify)	
<input type="checkbox"/> Defendant WAS NOT served for the following reason:	
Service Fee Paid	Signature Of Deputy Sheriff Making Return
Date Received	Name Of Sheriff (Type Or Print)
Date Of Return	County Of Sheriff

FILE NO. 15-CVS- 28  
FILM NO.

NORTH CAROLINA  
CURRITUCK COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

DEAN R. CARRICO,

Plaintiff

vs.

LEWIS TREE SERVICE, INC.

Defendant

COMPLAINT  
(Negligence - Personal Injury)

FILED  
15 JAN 30 AM 11:23  
CURRITUCK COUNTY, C.S.C.  
BY

COMES NOW the Plaintiff, complaining of the defendant, and states the following:

1. Plaintiff is a resident of Currituck County, North Carolina.
2. Defendant is a New York corporation registered and licensed to do business, and regularly engaged in doing business, in North Carolina. At all times concerned in this matter, the defendant was acting by and through its authorized employees, agents, and representatives in the conduct of its business in Currituck County, North Carolina.
3. The negligence and the damages as alleged in this action occurred in Currituck County, North Carolina.
4. During September and October 2012, the defendant was trimming trees near power lines in Currituck County, and specifically at and around the property owned and occupied by the plaintiff.
5. On or about 4 October 2012, during its tree cutting and trimming activities, the defendant negligently allowed hydraulic fluids to leak from its equipment and machinery onto the roof of a workshop building on plaintiff's property and onto the surrounding ground areas on plaintiff's property.

6. Plaintiff promptly notified Defendant's agents of the leak and the damage to his property.

7. Defendant's authorized agents acknowledged and admitted the defendant's negligence and undertook to clean up and remedy the damages done.

8. In their undertaking to clean up and remedy the damage to plaintiff's property, the defendant was negligent in the performance of its undertaking. Unknown to the plaintiff, though defendant's agents assured him the clean-up and repairs had been performed, the defendant left hydraulic fluid residue on and around the ground in the area of plaintiff's workshop building.

9. When plaintiff went to examine the roof clean up and repairs the defendant had assured him had been completed, plaintiff slipped on hydraulic fluid residue that had been left by defendant on the ground. The slip and fall caused plaintiff to suffer personal injury and damages.

10. Defendant owed a duty to plaintiff in the performance of its undertaking to clean up the hydraulic fluid spill it had negligently caused on plaintiff's property.

11. Defendant breached its duties and the standard of care owed to the plaintiff. It failed to reasonably and properly clean up its hydraulic fluid spill. It caused and left a residue of hydraulic fluid on the grounds and walking areas of the plaintiff's property which was slippery and unsafe to those walking in the area, and which was not readily or easily observed by plaintiff. It failed to warn plaintiff of the slippery condition it had left on plaintiff's property. Plaintiff slipped and fell as a direct consequence of the slippery condition created and allowed by the defendant.

12. The defendant's negligence and breach of its duties and standard of care were the proximate cause of substantial personal injury and damages suffered by the plaintiff.

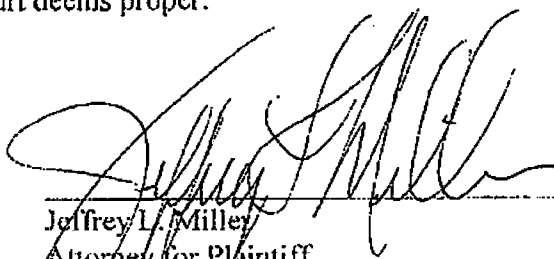
13. As a proximate result and consequence of the defendant's negligence, plaintiff has suffered personal injuries that have required substantial medical treatment including surgery. Plaintiff's injuries are permanent.

14. Plaintiff is entitled to recover compensatory damages from the defendant for his personal injury, pain and suffering, mental anguish and upset, loss of income, permanent physical impairment, surgical scarring, and medical expenses.

WHEREFORE, plaintiff prays the Court as follows:

1. For a judgment and award of compensatory damages against the defendant in a sum exceeding \$10,000.00.
2. For all costs of this action to be taxed to the defendant. /
3. For a jury trial.
4. For such other relief as the Court deems proper.

This 5<sup>th</sup> day of January 2015.



Jeffrey L. Milley  
Attorney for Plaintiff  
2510 East Tenth Street  
Greenville, NC 27858  
(252) 364-8929  
NC State Bar #6765